



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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June 9, 2005

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**BY HAND AND ECF**

Honorable Raymond J. Dearie  
United States District Court Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Memblatt v. Hon. Jaime A. Rios  
05 CV 1021 (RJD) (LB)

Dear Judge Dearie:

This office represents defendants the Honorable Jaime A. Rios, the Honorable Jonathan Lippman, the Honorable Steven W. Fisher, Lauren DeSole, Anthony D'Angelis, Robert W. Gardner, Sandra Newsome, and Heidi Higgins (collectively "State defendants") in the above-referenced action.

I write in response to plaintiff's letter, dated June 9, 2005, concerning the alleged default of the Honorable Jonathan Lippman and Lauren DeSole in answering the complaint. By letter, dated May 19, 2005, this office requested that plaintiff voluntarily withdraw her motions seeking the entry of default judgments, because by Order, dated April 21, 2005, this Court provided State defendants until June 21, 2005 to respond to the complaint. I explained to plaintiff that it was the opinion of this office that the extension applied to all the State defendants represented by this office including the Judge Lippman and Lauren DeSole who at the time of the request for additional time to respond to the complaint had yet to request representation.

In response, plaintiff requested that I provide her with a stipulation stating "Defendants Jonathan Lippman and Lauren DeSole consent to the jurisdiction of the Court, their time to answer or otherwise move with respect to the complaint herein is extended to June 21, 2005." By letter, dated June 7, 2005, I advised plaintiff that this office does not see the necessity of entering into a stipulation concerning the time for Judge Lippman and Lauren DeSole to respond to the complaint as they are covered by the April 21, 2005 Order. However, I advised plaintiff, as an

Hon. Raymond J. Dearie  
June 9, 2005  
Page 2

officer of the court, that neither Judge Lippman nor Lauren DeSole will contest service or this Court's jurisdiction. Clearly, neither Judge Lippman nor Lauren DeSole are in default in responding to the complaint.

Accordingly, this office respectfully requests that the Court deny plaintiff's request to hold these individuals in default.

Thank you for your attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Constantine A. Speres', with a long horizontal flourish extending to the right.

Constantine A. Speres (CAS-9100)  
Assistant Attorney General

cc. Judith B. Memblatt (Via Federal Express)

Madeleine S. Egelfeld, Esq.  
Attorney for Defendant Koslowitz

John Quinn, Esq.  
Renfro & Quinn  
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